

MT LEGISLATIVE HISTORY

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Chapter 212 1985

Bill H (S) 292

Original bill & hist. ✓C

H. Committee on Judiciary

S. Committee on _____

Hearing Date(s) March 15 ✓C

Hearing Date(s) February 15 ✓C

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Date Out March 15 ✓C

February 15 ✓C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

SENATE BILL NO. 292

INTRODUCED BY NEUMAN, STIMATZ,
H. HAMMOND, ANDERSON, COBB, HARP

BY REQUEST OF THE DEPARTMENT OF JUSTICE,
DIVISION OF MOTOR VEHICLES

IN THE SENATE

February 1, 1985	Introduced and referred to Committee on Judiciary.
February 15, 1985	Committee recommend bill do pass. Report adopted.
February 16, 1985	Bill printed and placed on members' desks.
February 18, 1985	Second reading, do pass.
February 19, 1985	Considered correctly engrossed.
February 20, 1985	Third reading, passed. Ayes, 49; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Judiciary.
March 15, 1985	Committee recommend bill be concurrent in. Report adopted.
March 19, 1985	Second reading, concurrent in.
March 21, 1985	Third reading, concurrent in.
	Returned to Senate.

IN THE SENATE

March 21, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *292*
 2 INTRODUCED BY *Neuman, Stuck, 2nd, Hammond, Anderson, Cobb*
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE, *H488*
 4 DIVISION OF MOTOR VEHICLES

6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING
 7 THE MANDATORY LIABILITY PROTECTION LAW; AMENDING SECTIONS
 8 61-6-102, 61-6-303, AND 61-6-304, MCA; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 61-6-102, MCA, is amended to read:

13 "61-6-102. Definitions. The following words and
 14 phrases, when used in this part, have the meanings
 15 respectively ascribed to them in this section except in
 16 those instances where the context clearly indicates a
 17 different meaning:

18 (1) "Judgment" means any judgment that has become
 19 final by expiration without appeal of the time within which
 20 an appeal might have been perfected or by final affirmation
 21 on appeal rendered by a court of competent jurisdiction of
 22 any state or of the United States upon a cause of action
 23 arising out of the ownership, maintenance, or use of any
 24 motor vehicle, for damages, including damages for care and
 25 loss of services, because of bodily injury to or death of

1 any person or for damages because of injury to or
 2 destruction of property, including the loss of use thereof,
 3 or upon a cause of action on an agreement of settlement for
 4 such damages.

5 (2) "License" means any license, temporary instruction
 6 permit, or temporary license issued under the laws of this
 7 state pertaining to the licensing of persons to operate
 8 motor vehicles.

9 (3) "Nonresident's operating privilege" means the
 10 privilege conferred upon a nonresident by the laws of this
 11 state pertaining to the operation by him of a motor vehicle
 12 or the use of a motor vehicle owned by him in this state.

13 (4) "Proof of financial responsibility" means proof of
 14 ability to respond in damages for liability on account of
 15 accidents occurring subsequent to the effective date of said
 16 proof, arising out of the ownership, maintenance, or use of
 17 a motor vehicle.

18 (5) "State" means any state, territory, or possession
 19 of the United States, the District of Columbia, or any
 20 province of the Dominion of Canada.

21 (6) "Ways of this state open to the public" means any
 22 highway, road, alley, lane, parking area, or other public or
 23 private place adapted and fitted for public travel and in
 24 common use by the public."

25 Section 2. Section 61-6-303, MCA, is amended to read:

1 "61-6-303. Exempt vehicles. The following vehicles and
2 their drivers are exempt from the provisions of 61-6-301:

3 (1) a vehicle owned by the United States government or
4 any state or political subdivision;

5 (2) a vehicle for which cash, securities, or a bond
6 has been deposited or filed with the division upon such
7 terms and conditions providing the same benefits available
8 under a required motor vehicle liability insurance policy;

9 (3) a vehicle owned by a self-insurer certified as
10 provided in 61-6-143;

11 (4) an implement of husbandry or special mobile
12 equipment that is only incidentally operated on a highway or
13 property open to use by the public;

14 (5) a vehicle operated upon a highway only for the
15 purpose of crossing such highway from one property to
16 another;

17 (6) a commercial vehicle registered or proportionally
18 registered in this and any other jurisdiction provided that
19 vehicle is covered by a motor vehicle liability insurance
20 policy complying with the laws of another jurisdiction in
21 which it is registered;

22 (7) a motorcycle;

23 (8) a vehicle moved solely by human or animal power;

24 (9) a vehicle owned by a nonresident if it is
25 currently registered in the owner's resident jurisdiction

1 and he is in compliance with the motor vehicle liability
2 insurance requirements, if any, of that jurisdiction."

3 Section 3. Section 61-6-304, MCA, is amended to read:

4 "61-6-304. Penalties. It is unlawful for any person to
5 operate a motor vehicle upon ~~highways, streets, or roadways~~
6 ways of this state open to the public without a valid policy
7 of liability insurance in effect in an amount not less than
8 that provided in 61-6-301 or unless such person has been
9 issued a certificate of self-insurance pursuant to 61-6-143
10 or has previously posted an indemnity bond with the division
11 of motor vehicles as provided by 61-6-301 or is operating a
12 vehicle exempt under 61-6-303. A violation of 61-6-301
13 through 61-6-304 is a misdemeanor punishable by a fine not
14 to exceed \$250."

15 NEW SECTION. Section 4. Extension of authority. Any
16 existing authority of the division of motor vehicles to make
17 rules on the subject of the provisions of this act is
18 extended to the provisions of this act.

19 NEW SECTION. Section 5. Effective date. This act is
20 effective on passage and approval.

-End-

CHAIRMAN--MAZUREK, JOE

SECRETARY-STALEY, CINDY

NORMAL SCHEDULE==> SITE: OLD SUPREME COURT ROOM DAYS: M-TU-W-TH-F

TIME: 10:00 A.M.-12 NOON

--BILL NO--	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
SB0230	1/24	2/11		DO PASS		2/11
TVEIT, LARRY J.			MARITAL STATUS A LEGITIMATE CRITERION WHEN REQUIRED BY NEPOTISM LAW			
SB0235	1/24	1/29		DO PASS		1/29
MAZUREK, JOSEPH P.			PROFESSIONAL PERSON MAY EXAMINE PROTECTED PERSON BEFORE CONSERVATOR APPMT			
SB0240	1/24	2/04	2/04 2/4	ADVERSE REPORT		2/6
LYBECK, RAY			POLYGRAPH EXAMINATION - ADMISSIBLE BY STIPULATION AND FOR REVOCATION HEARING			
SB0245	1/25	2/11	2/11	ADVERSE REPORT		2/12
STORY, PETE			REQUIREMENT THAT JUDGMENT DEBTOR SUBMIT FINANCIAL INFORMATION TO COURT			
SB0257	1/26	2/12		DO PASS		2/12
DANIELS, M.K.			CHANGE TIME FOR TRIAL LIMITATION IN DETAINER LAW			
SB0267	1/29	2/11		DO PASS		2/12
HALLIGAN, MIKE			GIVE UNMARRIED PERSON SAME EXEMPTIONS FROM EXECUTION OF JUDGMENT AS MARRIED			
SB0268	1/29	2/07		PASS AS AMENDED		2/9
HALLIGAN, MIKE			REVISE CRITERIA FOR DETENTION OF YOUTH			
SB0290	1/31	2/11		PASS AS AMENDED		2/11
DANIELS, M.K.			CLARIFY HABEAS CORPUS & POSTCONVICTION RELIEF LAW			
SB0292	2/01	2/15		DO PASS		2/15
NEUMAN, TED			REVISE & CLARIFY MANDATORY LIABILITY INSURANCE LAW			
SB0294	2/01	2/18		DO PASS		2/18
CRIPPEN, BRUCE D.			INCLUDE SPOUSE IN THE OFFENSE OF SEXUAL INTERCOURSE WITHOUT CONSENT			
SB0298	2/01	2/12		DO PASS		2/12
YELLOWTAIL JR, WILLIAM P.			INCREASING NUMBER OF CLAIMS ALLOWED ANNUALLY IN SMALL CLAIMS COURT			

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

February 15, 1985

The thirtieth meeting of the Senate Judiciary Committee was called to order at 10:07 a.m. on February 15, 1985, by Chairman Joe Mazurek in Rooms 413-415 of the Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF SB 292: Chairman Mazurek stated that Senator Neuman, chief sponsor of SB 292, was called out of town; and, therefore, Larry Majerus, from the Department of Justice, would be preseting the bill on Senator Neuman's behalf. Mr. Majerus stated this bill came out of the joint interim subcommittee No. 3 which met during the last biennium. He testified this clarifies it is unlawful for any person to operate a motor vehicle without liability insurance. He further testified there is no exemption for out-of-state vehicles.

PROPOSERS: None.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Mazurek asked Mr. Majerus if he said the definition is similar. He questioned if it were not identical. Mr. Majerus stated it was intended to be identical.

Hearing on SB 292 was closed.

CONSIDERATION OF SB 299: Senator Pete Story, sponsor of SB 299, testified that for all of its length, this bill is intended to do one thing-- to transfer from the Department of Natural Resources and Conservation to the district court the power to grant new uses or changes of use for water on streams. This is how the law was prior to 1973. Many of the streams in our area were adjudicated 70-80 years ago. The 1972 constitution stated these existing rights are guaranteed and fully protected. In the 1973 legislature, we were convinced to change the law, and these changes necessitated a painful and expensive process of adjudicating or readjudicating all of the waters in Montana. When it's over, the owners will find their rights are only as good as the date on which the paper was issued. Unless the owners come to Helena to protect their rights, a new order will be issued. This bill reverses the administrative role. What is wrong with this is not simply a quibble over the proper roles of government. The present system places costly and unfair burdens on the

high earning capacity is not used instead of net earnings. Senator Galt stated children come cheaper by the dozen. If you have more than one child, do you pay that much for each child. Ms. Vining stated, no, it will be proportionate. Such living expenses as food will not increase with more children. Due to time constraints, Chairman Mazurek asked Senator Halligan if he would be willing to come back to the committee for questions from the committee members and for his closing statement at a later time. Senator Halligan responded he would be so willing.

Hearing on SB 383 was closed.

ACTION ON SB 292: Senator Pinsoneault moved SB 292 be recommended DO PASS. The motion carried unanimously.

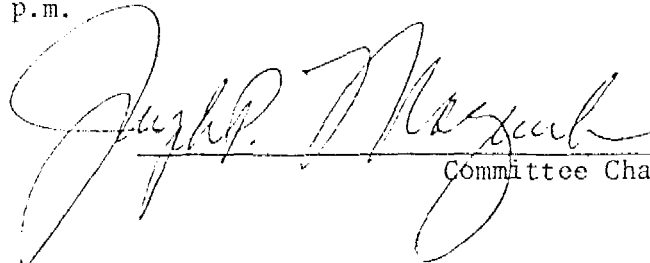
ACTION ON SB 351: Senator Daniels moved SB 351 be recommended DO NOT PASS. The motion carried unanimously.

TABLING OF SB 299: Senator Galt moved SB 299 be TABLED. The motion carried with Senator Daniels voting in opposition.

DISPOSITION OF SB 313: Senator Shaw moved SB 313 be recommended DO PASS. The motion failed with Senators Daniels, Galt, Pinsoneault, Shaw, and Yellowtail voting in opposition. Senator Shaw stated our forefathers set up our constitution so you had a check and balance with the Senate and the House, and we don't have it now because all we represent is the people. Chairman Mazurek stated that since the motion to recommend the bill DO PASS failed, he will move on order of business No. 6 that SB 313 be printed and placed on second reading.

ACTION ON SJR 19: Senator Pinsoneault stated they are doing something on the federal level, so what we do here doesn't mean anything. Senator Brown stated it doesn't matter what we do with respect to resolutions anyway, so he moved SJR 19 be recommended DO PASS. The motion carried as evidenced by the roll call vote attached as Exhibit 5.

There being no further business to come before the committee, the meeting was adjourned at 12:18 p.m.


Committee Chairman

STANDING COMMITTEE REPORT

February 15

19. 35

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE BILL

No. 292

first reading copy (white)
color

REVISE & CLARIFY MANDATORY LIABILITY INSURANCE LAW.

Respectfully report as follows: That SENATE BILL

No. 292

DO PASS

~~DO NOT PASS~~

Senator Jos Nazurek

Chairman.

STATUS SHEETFORTY-NINTH

LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

<u>SENATE</u> BILL NO.	<u>ENTERED</u> COMM.	<u>DATE</u> CONSIDERED	<u>OUT OF</u> COMM.	<u>DO PASS</u> DATE	<u>DO NOT</u> PASS DATE	<u>DO PASS</u> AS AMEND. DATE	<u>BE CON-</u> CURRED IN DATE	<u>BE CONC. IN</u> AS AMENDED DATE	<u>BE NOT CON-</u> CURRED IN DATE
SB 322	2/27/85	3/19/85 3/28/85	3/28/85					3/28/85	
SB 327	2/27/85	3/19/85	3/19/85				3/19/85		
SB 328	2/27/85	3/19/85 3/27/85	3/27/85						3/27/85
SB 331	2/27/85	3/19/85	3/19/85					3/19/85	
SB 332	2/27/85	3/21/85	3/21/85					3/21/85	
SB 257	2/27/85	3/15/85	3/15/85					3/15/85	
SB 267	2/27/85	3/15/85	3/15/85				3/15/85		
SB 268	2/27/85	3/20/85 3/26/85	3/26/85					3/26/85	
SB 290	2/27/85	3/15/85	3/15/85				3/15/85		
SB 292	2/27/85	3/15/85	3/15/85				3/15/85		
SB 294	2/27/85	3/21/85	3/21/85				3/21/85		
SB 352	2/27/85	3/21/85	3/21/85				3/21/85		
SB 406	2/27/85	3/22/85	3/22/85					3/22/85	
SB 116	3/7/85	3/25/85 3/27/85	3/30/85 (Tabled 3/27/85)	(Un-tabled 3/29/85)				3/30/85	
SB 375	3/7/85	3/20/85 3/27/85	3/27/85					3/27/85	
SB 376	3/7/85	3/20/85 3/27/85	(Tabled 3/27/85)						

Use a separate sheet for Senate, House Bills, and Resolutions

The floor was opened to questioning.

Rep. Eudaily wanted to know why the material was deleted on page 7, line 1 of the bill. Senator Halligan said he didn't know.

Rep. Mercer asked about the situations when a person is divorced and has to pay child support, then a lot of these exemptions do not apply because of federal law. That creates another group of people -- those who pay child support and those who do not pay child support which would require two separate exemptions. Do you think that is an additional group that some day should be addressed, or do you think that discrimination is justified? Senator Halligan responded by saying his guess is that the child support federal laws supercede this. He said there is a rational basis for that distinction.

There being no further questions, the hearing closed on SB 267.

EXECUTIVE SESSION

ACTION ON SENATE BILL NO. 267: Rep. Addy moved that SB 267 BE CONCURRED IN. The motion was seconded by Rep. Miles. The question was called, and the motion carried unanimously. Rep. Montayne volunteered to carry the bill on the floor.

ACTION ON SENATE BILL NO. 290: Rep. Gould moved that SB 290 BE CONCURRED IN. The motion was seconded by Rep. Montayne. Rep. Gould commented that he feels this is an excellent argument concerning the Sentence Review Board. The question was called, and the motion carried unanimously. Rep. Gould offered to carry the bill.

CONSIDERATION OF SENATE BILL NO. 292: Rep. Cobb, District #42, one of the sponsors of the bill, presented the bill in lieu of its chief sponsor, Senator Ted Neuman. Senator Neuman was unable to be at the meeting right then.

Larry Majerus, administrator of the Motor Vehicle Division, Department of Justice, testified as a proponent. This is an act revising and clarifying the Mandatory Liability Protection Law, Mr. Majerus said. He said that most states have to recognize an out-of-state vehicle if they are in conformance with their home state law. This merely clarifies it in the statute.

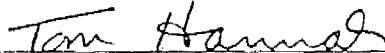
There being no further proponents or opponents, the floor was opened to questions.

On request of Rep. Montayne, Mr. Majerus explained the language on lines 21 through 24 on page 2. He said this language was developed by the 1983 legislative session in relationship to all the DUI bills that passed. We are merely extending this definition also to the insurance laws.

Rep. Hannah pointed out for the committee that there is no specific rule that deals with the question of who must present a bill before the committee; therefore, there is no procedural problem involved.

ACTION ON SENATE BILL NO. 292: Rep. Cobb moved that SB 292 BE CONCURRED IN. The motion was seconded by Rep. Hammond. There being no discussion, the question was called and the motion carried unanimously. Rep. Cobb will carry the bill on the floor.

ADJOURN: A motion having been made and seconded, the meeting adjourned at 9:10 a.m.


Rep. TOM HANNAH, Chairman

STANDING COMMITTEE REPORT

March 13 19 95

MR. Speaker

We, your committee on Judiciary

having had under consideration Senate Bill No. 292

Third reading copy (Blue)
color

REVISE & CLARIFY MANDATORY LIABILITY INSURANCE LAW

Respectfully report as follows: That Senate Bill No. 292

BE CONCURRED IN
BO:PASS: